

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Jonathan Tampico,
Plaintiff

Civil Action No.

04-12500-NMG

v.
United States,
Defendant

PLAINTIFF'S OBJECTION TO DEFENDANT'S
MOTION TO EXTEND TIME

Plaintiff Jonathan Tampico hereby files a timely objection to Defendants Motion that its time to file an Answer or other responsive pleading be extended until January 31, 2006, for the following reasons:

1. Defendant's Offer of Judgment, dated November 7, 2005, was received by Plaintiff on November 15, and an acceptance was placed in the mail November 16. While it's entirely plausible that this response had not reached Assistant U.S. Attorney Grady's desk by November 21 (the date of his Motion), he surely has it now.

2. There is no dispute as to the base amount of the offer, which is \$109.10, nor can there be any disagreement about "court costs," which have been determined by law to be the \$150.00 P.L.R.A. fee (Note: \$17.19 of this fee has already been paid by Defendant, and the remainder deferred by the Court's Order

of September 23, 2005).

3. The only remaining costs left to "evaluate and potentially resolve" are Plaintiff's requests for postage reimbursement of \$25.00 and photocopy expenses of \$15.00. These costs encompass both the initial Administrative Tort Claim filings and correspondence, and those incurred in filing the Complaint for this action. Actual expenses have exceeded this amount, but Plaintiff has not, and does not intend to increase his request, as documentation and postage costs would quickly overwhelm any additional gains.

4. Plaintiff suggests that these claims are modest, are not unusually large, and do not warrant a lengthy negotiation.

5. Further, Plaintiff will have completed a full year in the Lewisburg SHU on January 18, 2006, and has been promised a transfer shortly thereafter, meaning that communications may become extremely difficult around Defendant's requested deadline.

For these reasons, Plaintiff requests that the Court DENY Defendant's Motion for Time Extension.

Respectfully submitted,



Jonathan Tampico
Plaintiff, Pro-Se

Jonathan Tampico, 79426-079
United States Penitentiary
P.O. Box 1000
Lewisburg, PA 17837-1000

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CERTIFICATE OF SERVICE BY MAIL

The undersigned hereby certifies that on November 25, 2005, he served a copy of the foregoing Plaintiff's Objection to Defendant's Motion to Extend Time by placing said copy in a postpaid envelope addressed to the person hereinafter named, and by sending said envelope by the U.S. Postal Service.

Addressee:

United States Attorney's Office

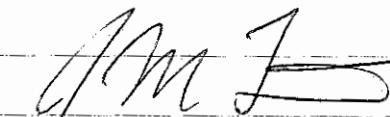
District of Massachusetts

John J. Moakley Courthouse, Suite 9200

1 Courthouse Way

Boston, MA 02210

Signed:



Jonathan Tampico
Plaintiff, Pro-Se